

63G-14-202 Approval as a resident immigrant -- Ineligibility.

- (1) To be considered for approval as a resident immigrant for purposes of the program, a foreign national shall:
 - (a) file an application with the department;
 - (b) at the time of filing the application be living outside of the United States;
 - (c) pass a health and background screening;
 - (d) provide evidence that the foreign national has not been convicted of, pled guilty to, pled no contest to, pled guilty in a similar manner to, or resolved by diversion or its equivalent to a felony or class A misdemeanor;
 - (e) file proof of sponsorship by a sponsor who meets the requirements of Section 63G-14-203; and
 - (f) pay a fee established by the department in accordance with Section 63J-1-504.
- (2) A foreign national is ineligible for the program if the individual:
 - (a) is in the United States at the time of application for the program; or
 - (b) is a citizen of a country:
 - (i) designated by the United States State Department as a state sponsor of terrorism in accordance with section 6(j) of the Export Administration Act, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act;
 - (ii) against which the United States has declared war; or
 - (iii) against which the United States has imposed sanctions as listed under a sanctions program of the Office of Foreign Assets Control within the United States Department of Treasury.
- (3) A foreign national may appeal the denial of participation in the program as a resident immigrant in accordance with Chapter 4, Administrative Procedures Act.
- (4)
 - (a) The department, in consultation with the governor, shall make rules in accordance with Chapter 3, Utah Administrative Rulemaking Act, that provide:
 - (i) what constitutes passing a health screening to be eligible to be accepted into the program, except at a minimum to be eligible to participate in the program an individual may not have a medical condition that would make the individual inadmissible for public health grounds under 8 U.S.C. Sec. 1182;
 - (ii) what constitutes a background screening to be eligible to be accepted into the program;
 - (iii) what constitutes proof of sponsorship to be provided by the foreign national;
 - (iv) the term for which a foreign national is considered a resident immigrant; and
 - (v) the process of obtaining a resident immigrant permit under Section 63G-14-204.
 - (b) When making a rule under this section, the department shall use federal standards as a guideline to avoid unnecessary duplication and additional costs.

Enacted by Chapter 20, 2011 General Session